

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK L. TAYLOR,

Defendant.

CASE NO. 1:23-CR-65-HAB-SLC

OPINION AND ORDER

The Court is in receipt of Defendant Derek Taylor’s letter requesting his attorney be compelled “to surrender the case file he created while representing [Taylor]” in this case. (ECF No. 86). Taylor also requests the Court provide transcripts from his plea and sentencing hearings, notes that he “was deem [sic] indigent at court and still is” and asks for those materials to be mailed to him so that he may pursue a habeas claim. (*Id.* at 2). Taylor pleaded guilty to federal drug and gun crimes in May 2024 and was sentenced to 197 months’ imprisonment on June 6, 2025. (ECF No. 82).

To the extent that Taylor is requesting his case files from his attorney, the Court DIRECTS Attorney Robert Gevers to provide Taylor with his discovery within thirty (30) days of this Order and to file a Notice with the Court when such discovery has been sent.

As to his request for transcripts from his plea and sentencing hearings, the Court notes that, because Taylor did not appeal his conviction or sentence, no transcripts have been prepared in this

case. Title 28 U.S.C. § 753(f) allows an indigent defendant¹ to obtain the preparation of free transcripts to prosecute a § 2255 action, “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented by the suit.” 28 U.S.C. § 753(f). However, the defendant has not yet filed the § 2255 action. Accordingly, the Court is unable to certify that the suit is not frivolous at this time. Because the defendant has not yet filed a § 2255 motion, he is not eligible for transcripts under § 753(f).

For these reasons, the Court:

- (1) DIRECTS Attorney Robert Gevers to provide Taylor with his case file within thirty days and then file a notice with the Court indicating compliance with this Order;
- (2) DENIES Taylor’s request for transcripts. (ECF No. 86).

SO ORDERED this 10th day of December 2025.

s/ Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT

¹ Taylor claims in his letter that he is indigent because counsel was appointed to him. The Court notes, however, that Taylor ultimately retained counsel in this case. For § 753(f) to apply, Taylor would need to demonstrate his current indigency.